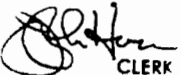


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

MAR 16 2015


CLERK

JOSE ENRIQUE BURGOS-VALDEZ,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Defendant.

CIV 13-4047

ORDER

Petitioner Jose Enrique Burgos-Valdez, a federal inmate incarcerated at the Federal Correctional Institution in Big Spring, Texas, has filed a Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255. The Magistrate Judge issued a Report and Recommendation recommending the Motion to Vacate be denied. The Petitioner filed Objections to the Report and Recommendation, and after conducting an independent review of the record, the Court agrees with the Magistrate Judge. Accordingly,

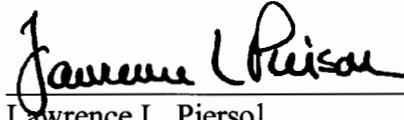
IT IS ORDERED:

1. That the Magistrate Judge's Report and Recommendation (Doc. 25) is ADOPTED by the Court and Plaintiff's Objections to the Report and Recommendation (Doc. 26) are DENIED as no factual or legal basis was shown to establish or even suggest any error in the Report and Recommendation.
2. That Petitioner's Motion to Expedite Decision (Doc. 23) is DENIED as moot.
3. That Petitioner Jose Enrique Burgos-Valdez's Motion to Vacate, Set Aside, or Correct his Sentence (Doc. 1) DENIED.
4. That Respondent's Motion to Dismiss (Doc. 16) is GRANTED.

5. That a Certificate of Appealability shall not issue.

Dated this 16th day of March, 2015.

BY THE COURT:

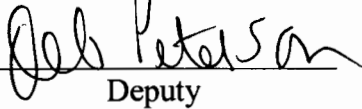
A handwritten signature in black ink, appearing to read "Lawrence L. Piersol", written over a horizontal line.

Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY:

A handwritten signature in black ink, appearing to read "Joseph Haas", written over a horizontal line.

Deputy